

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

RODNEY BRENDLE,

Petitioner,

v.

CIVIL ACTION NO. 5:08-cv-00320

T. R. CRAIG,

Respondent.

MEMORANDUM OPINION

Pending before the Court is Petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Docket 1]. By Standing Order entered on August 1, 2006, and filed in this case on May 19, 2008, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 4] on March 17, 2009, recommending that the Court dismiss the § 2241 petition, and remove this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of de novo review and Petitioner's right to appeal this Court's Order. *See Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's

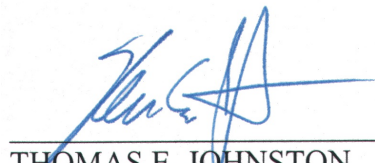
PF&R were due by April 3, 2009, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 4] in its entirety, and **DISMISSES** the Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Docket 1]. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion to counsel of record, Petitioner pro se, and Magistrate Judge VanDervort.

ENTER: May 13, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE